

**TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. 17
(SERIES OF 2021)**

AN ORDINANCE AMENDING CHAPTER 7 OF THE BUENA VISTA MUNICIPAL CODE TO ADD A NEW ARTICLE II CONCERNING GARBAGE AND THE PROTECTION OF WILDLIFE AND TO AMEND SECTION 2-99(A) TO ESTABLISH A PENALTY ASSESSMENT FOR RELATED VIOLATIONS

WHEREAS, the Board of Trustees finds and determines that the health, safety and welfare of the citizens of the Town of Buena Vista, and the wildlife indigenous to the area will be promoted by the adoption of this ordinance;

WHEREAS, the Board of Trustees finds that the intentional or unintentional feeding of wildlife within the Town of Buena Vista constitutes a menace to property and to the health, safety and welfare of the citizens of the Town of Buena Vista and to the wildlife in and around the Town of Buena Vista;

WHEREAS, waste and recyclable materials provide an abundant, yet unhealthy supply of food for wildlife; and

WHEREAS, the Board of Trustees has determined that it is in the public interest to enact the regulations set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO, THAT:

Section 1. Chapter 7 of the Town of Buena Vista Municipal Code is hereby amended by the addition of a new Article III to read as follows:

ARTICLE III – GARBAGE AND WILDLIFE PROTECTION

Sec. 7-51. – Purpose and authority.

The purpose of this article is to minimize the risk of dangerous wildlife and human conflicts as a result of unsecured waste/recyclables and to protect and maintain wildlife in the Town and surrounding areas.

Sec. 7-52. – Definitions.

For purposes of this article, the following terms shall have the following meanings:

"Attractant" means any substance which could reasonably be expected to attract wildlife or does attract wildlife, including, but not limited to, food products, kitchen waste, food packaging, pet food, barbeque grills. Composting shall not constitute an "Attractant" for purposes of this Article.

"Collection bin" means a container utilized for the collection and storage of waste/recyclables, including any trashcan, dumpster or similar device used for that purpose.

"Commercial user" means any person, firm or corporation performing any business, industry, occupation or profession. It shall also include dwelling units used for residential occupancy for three (3) or more families or groups of individuals living independently of each other in separate units where the land under the dwelling units is not individually owned by the residents. This includes apartments, condominiums, and mobile home parks.

"Occupant" means any person living in, sleeping in, possessing or otherwise using any land, building or part thereof.

"Owner" means a person who, alone, jointly or severally with others, or in a representative capacity (including, without limitation, an authorized agent, executor or trustee), has legal or equitable title to any property in question.

"Person" means a natural person, corporation, firm, partnership, association, organization and any other group acting as a unit, as well as individuals.

"Premises" means any property located within the town limits of the Town that is owned, occupied, leased or used for residential or commercial purposes.

"Responsible Party" means any person who has possession or control of any real property or premises, whether as owner, occupant or tenant and shall include any owner or owners of vacation rental property or properties.

"Special event" means an outdoor gathering such as a concert, conference or festival.

"Town" means the Town of Buena Vista, Colorado.

"Waste" means solid or semi-solid discarded material including, but not limited to, ashes, litter, garbage, refuse, rubbish and recyclables.

"Wildlife" means any undomesticated or unrestrained animal, including, but not limited to, elk, deer, sheep, lynx, bears, skunks, squirrels, raccoons, coyotes, bobcats, foxes, mountain lions, unrestrained livestock, or unrestrained household pets, but shall not mean birds.

"Waste Container" means a fully enclosed container of sturdy construction that is used for holding waste.

"Wildlife-Resistant Enclosure" means a fully enclosed structure consisting of four (4) sides and a secure door or cover, which shall have a latching device of sufficient strength and design to prevent access by wildlife. Wildlife-Resistant Enclosures are subject to all planning and zoning requirements and building codes.

"Yard Waste" means grass clippings, lawn rakings, leaves, garden vegetation, brush and other woods, free of other waste.

Sec. 7-53. –Waste Disposal.

- (a) Any owner, occupant or person utilizing collection bins which receive waste/recyclables or attractants on the premises shall utilize Waste Containers, or shall securely store attractants within a house, garage or Wildlife-Resistant Enclosure at all times.
- (b) Other household waste that cannot reasonably be considered an attractant as defined in this article, including, but not limited to, non-edible yard waste as defined in this article, cardboard, or household items, shall not require the use of Waste Containers when not commingled with waste/recyclables or any other attractant.

Sec. 7-54. – Special Event Waste/Recyclable Disposal.

Outdoor special event sites shall be kept free from the accumulation of waste/recyclables and attractants as defined under this article. Waste/recyclables shall be collected from the grounds at the close of each day's activities and shall be deposited into appropriate Waste Containers or Wildlife-Resistant Enclosures as provided in this article, or shall be removed to an appropriate disposal site.

Sec. 7-55.– Construction Site Waste/Recyclable Disposal.

All construction sites shall have a designated collection bin which receives waste/recyclables or attractants as defined by this article. The contents must remain in the container and must not attract wildlife. Construction site containers that attract wildlife or that result in the scattering of their contents outside of the container shall be a violation of this article.

Sec. 7-56. – Commercial User Waste/Recyclable Disposal.

All commercial user locations shall have a designated collection bin which receives waste/recyclables or attractants as defined by this article. The contents must remain in the container and must not attract wildlife. Commercial site containers that attract wildlife or that result in the scattering of their contents outside of the container shall be a violation of this article.

Sec. 7-57. – Feeding of Wildlife Prohibited.

- (a) No person shall intentionally or unintentionally feed or provide food in any manner for wildlife on public or private property within the Town. Persons will be considered to be in violation of this article if they leave or store any waste/recyclables, attractants or food product in a manner that would create an attraction for wildlife.

- (b) No person shall leave or store any waste/recyclables, food product, pet food, grain or salt in a manner which would constitute a lure, attractant or enticement for wildlife.
- (c) All bird feeders shall be suspended on a cable or other device so that they are inaccessible to deer and bears, and the area below the feeders shall be kept free from the accumulation of seed debris.
- (d) This section 7-57 shall not apply to:
 - (1) Any individual, company or corporation that is duly licensed by the State of Colorado or otherwise entitled under law to possess a wildlife species; or
 - (2) Any action that is officially sanctioned by the State of Colorado that would require feeding, baiting or luring of wildlife.

Sec. 7-58. – Maintenance and Operation of All Waste/Recyclable Collection Bins and Enclosures

- (a) All collection bins as defined in this article shall be kept closed and secured when waste is not being deposited.
- (b) If a container or enclosure is damaged, allowing access by wildlife, repairs shall be made within 72 hours after written notification by the Town.

Section 2. Section 2-99 of the Buena Vista Municipal Code is hereby amended by the addition of a new Subsection (a)(11) to read as follows: "Article III of Chapter 7 – Garbage and Wildlife Protection".


Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 4. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

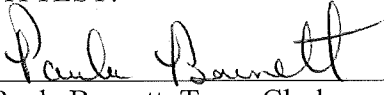
INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 14th day of December, 2021.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY (30) DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: 
Duff Lacy, Mayor

ATTEST:


Paula Barnett, Town Clerk

